



Michael E. Appelbaum | Partner
Direct 716.844.3452 | mappelbaum@goldbergsegalla.com

June 8, 2022

Hon. Marian W. Payson
United States Magistrate Judge
100 State Street
Rochester, New York 14614

Re: Jones, Rochelle, et al. v. Crisis Services of Erie County, et al.
Case No. 16-CV-234-FPG

Dear Judge Payson:

Please allow this letter to serve as a response to the Court's recent referral to mediation. If the referral is not mandatory, I would like to respectfully decline the offer to proceed to mediation and "opt out" of the mediation process. As the Court is well aware, it is the position of Sherry W. that she acted in accordance with the law and for the benefit of Plaintiff when she visited her home in 2015. Sherry's actions that day were based on information provided by Plaintiff's son and on her own observations and experience. It is our firm belief that Sherry's actions are supported by the Mental Hygiene Law and that the pending motion should be granted in her favor. We believe that the mediation process would be a waste of time for all involved.

I have advised all counsel of our intention to opt out and it does not appear that any attorney feels that mediation would be successful. In the event that we are not permitted to opt out, we will obviously comply with the Court's request (although we would require an extension of the 6/10 deadline). Please advise if our opt-out request is acceptable.

Thank you for your consideration.

Respectfully,

GOLDBERG SEGALLA LLP

A handwritten signature in black ink, appearing to be 'M. Appelbaum'.

Michael E. Appelbaum

MEA:klc

cc: All Counsel of Record

Please send mail to our scanning center at: